

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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|----------------------------------|---|--------------------------------|
| Elaine Fleming, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 2:14-2144-TMC |
| |) | |
| v. |) | ORDER |
| |) | |
| Carolyn W. Colvin, Acting |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

Plaintiff Elaine Fleming (“Fleming”) brought this action under 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her claims for benefits under the Social Security Act. This matter is before the court for review of the Report and Recommendation (“Report”) of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(a), D.S.C. (ECF No. 26.) The Report recommends that Fleming’s motion to remand (ECF No. 19) be granted and that the case be remanded to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings consistent with the Report. *Id.* On August 6, 2015, the Commissioner filed a notice of her intent not to file any objections to the Report. (ECF No. 27).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court adopts the Report of the Magistrate Judge which is incorporated herein by reference. Fleming’s motion to remand (ECF No. 19) is **GRANTED**, and the case is **REMANDED** to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further administrative action consistent with the Report.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

August 12, 2015
Anderson, South Carolina